

NASHVILLE, TENNESSEE

IN RE:

**PETITION FOR ARBITRATION OF
US LEC OF TENNESSEE, INC. OR, IN THE
ALTERNATIVE, A PETITION TO RESOLVE
DISPUTE PURSUANT TO TERMS OF THE
PARTIES' INTERCONNECTION AGREEMENT**

DOCKET NO.
04-00089

ORDER ACCEPTING ARBITRATION AND APPOINTING PRE-ARBITRATION OFFICER

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on April 26, 2004, upon the *Petition for Arbitration of US LEC of Tennessee, Inc. or, in the Alternative, a Petition to Resolve Dispute Pursuant to Terms of the Parties’ Interconnection Agreement* (“Petition”) filed by US LEC of Tennessee, Inc. on March 16, 2004. On April 13, 2004, BellSouth Telecommunications, Inc. filed its *Response to US LEC of Tennessee, Inc.’s Petition for Arbitration*.

During the April 26, 2004 Authority Conference, the panel voted unanimously to accept the *Petition*, direct the parties to file a joint matrix identifying the remaining issues, including the position of each party, by May 10, 2004, and appoint the Authority's General Counsel or his designee as the Pre-Arbitration Officer for the purpose of identifying issues and preparing the docket for hearing.

IT IS THEREFORE ORDERED THAT:

1. The *Petition for Arbitration of US LEC of Tennessee, Inc* or, in the Alternative, a *Petition to Resolve Dispute Pursuant to Terms of the Parties' Interconnection Agreement* is accepted.

2. The parties shall file a joint matrix identifying the remaining issues, including the position of each party, by May 10, 2004.

3 The Authority's General Counsel or his designee is appointed Pre-Arbitration Officer in this matter for the purpose of identifying issues and preparing the docket for hearing.



Deborah Taylor Tate, Chairman



Pat Miller, Director



Sara Kyle, Director